

REMARKS

Claim Amendments

Entry of the above amendments is respectfully requested prior to taking up this application for a first Action on the merits. As discussed in more detail below, the amendments to the originally filed claims are of a formal nature and are made for the purpose of avoiding improper multiple dependency and otherwise to put them in a condition more customary under U.S. practice, without changing the substantive scope of these claims. Claims 20-23, which were in a “use” format, have been replaced by new method claims 25-30. More particularly:

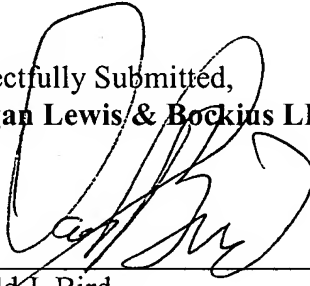
- Claims 1 and 2 remain as originally filed and have only been reformatted by use of hanging indented paragraphs, customary under U.S. practice to more clearly set off the various moiety definitions.
- Claims 3-7 have been amended to be dependent on claim 1 only.
- Claims 8-9 remain as originally filed.
- Claims 10-15 have been amended to be dependent on claim 1 only, and claims 13 and 15 have been reformatted by use of hanging indented paragraphs.
- Claim 16 remains as originally filed and has only been reformatted by use of hanging indented paragraphs.
- Claim 17 has been amended to be dependent on claim 1 only, and has been reformatted by use of hanging indented paragraphs.
- Claim 18 remains as originally filed and has only been reformatted by use of hanging indented paragraphs.
- Claim 19 has been amended to be dependent on claim 1 or claim 18.
- Claims 20-23 have been cancelled as being in a “use” format not generally accepted under U.S. practice, and replaced by new method claims 25-30.
- Process-for-making claim 24 has been reformatted by use of hanging indented paragraphs and has been amended to replace the subjective terms “if necessary” and “conveniently” with the term “optionally” and to remove the term “by conventional means” as not adding any substantive limitation to this claim.

- New method of treatment claims 25-30, dependent on compound claim 1, find support and enablement in the specification at pages 1-5 and 148-152 and in the Biological Assays disclosed at pages 138 to 146, and more specifically:
 - New method claim 25 is directed toward a method for treating a tumour sensitive to inhibition of an erbB2 receptor tyrosine kinases, and finds particular specification support at page 148, lines 20-24 and page 150, lines 19-25.
 - New method claim 26 is directed toward treating the particular solid tumours listed in the claim, and finds particular specification support at page 148, lines 30-33 and page 152, lines 12-19.
 - New method claim 27 is directed toward treating the particular non-solid tumours listed in the claim, and finds particular specification support at page 148, lines 28-30 and at page 152, lines 12-19.
 - New method claim 28 is directed toward a method for inhibiting an erbB2 receptor tyrosine kinase, and finds particular specification support at page 151, lines 3-7.
 - New method claims 29 is directed toward a method for selectively inhibiting an erbB2 receptor tyrosine kinase, and finds particular specification support at page 5, lines 16-24 and page 148, lines 4-11, and meaning of the term selective is set out at page 151, line 23 to page 152, line 4.
 - New method claim 30 is directed toward a method for the production of an anti-proliferative effect in a warm-blooded animal in need thereof, which effect is produced alone or in part by inhibiting erbB2 receptor tyrosine kinase, and finds particular specification support at page 148, lines 1-3, page 148, lines 18-34, page 149, lines 7-11 and page 149, lines 20-25.

The above amendments are being made without waiver or prejudice to Applicants' right to prosecute any subject matter deleted thereby in one or more continuing applications. No new matter has been added by these amendments and entry thereof is believed to be appropriate and is respectfully requested. Following entry of these amendments, claims 1-19 and 24-30 are pending in this application.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,
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